

**CERTIFICATE OF MAILING**



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 5, 2004

Date of Deposit

Andrew D. Stover, Reg. No. 38,629

Name of Applicant, Assignee or  
Registered Representative

A handwritten signature in black ink, appearing to read "Andrew D. Stover".

April 5, 2004

Date of Signature

Our Case No.: 33-944

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Leonhardt et al.

Examiner: Addie, Raymond W.

Serial No.: 10/628,319

Group Art Unit No.: 3611

Filing Date: July 28, 2003

For: VEHICLE MOUNTED CRASH  
ATTENUATOR

**INFORMATION DISCLOSURE STATEMENT**

MS MISSING PARTS  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and

made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

<u>U.S. PATENT NO.</u>	<u>ISSUE DATE</u>	<u>PATENTEE</u>
3,506,295	04/1970	YANCEY
3,674,115	07/1972	YOUNG ET AL.
3,757,562	09/1973	GOLDBERG ET AL.
3,930,665	01/1976	IKAWA
3,944,187	03/1976	WALKER
3,972,390	08/1976	MELTON ET AL.
4,008,915	02/1977	WALKER
4,190,275	02/1980	MILETI
4,204,659	05/1980	PHILLIPS ET AL.
4,221,413	09/1980	BONNETAIN
4,227,593	10/1980	BRICMONT ET AL.
4,352,484	10/1982	GERTZ ET AL.
4,407,484	10/1983	MEINZER
4,413,856	11/1983	MCMAHAN ET AL.
4,452,431	06/1984	STEPHENS ET AL.
4,635,981	01/1987	FRITON
4,655,434	04/1987	BRONSTAD
4,658,941	04/1987	GOTTWALD ET AL.
4,674,911	06/1987	GERTZ
4,711,481	12/1987	KRAGE ET AL.
4,770,420	09/1988	GOTTWALD ET AL.
5,052,732	10/1991	OPLET ET AL.
5,123,775	06/1992	BRYANT
5,199,755	04/1993	GERTZ
5,248,129	09/1993	GERTZ
5,403,112	04/1995	CARNEY, III
5,403,113	04/1995	GERTZ ET AL.
5,551,796	09/1996	ANDERSON, JR. ET AL.
5,577,861	11/1996	OBERTH ET AL.
5,642,792	07/1997	JUNE
5,697,657	12/1997	UNRATH, SR.
5,797,592	08/1998	MACHADO
5,823,584	10/1998	CARNEY, III
5,851,005	12/1998	MULLER ET AL.
5,868,521	02/1999	OBERTH ET AL.
5,947,452	09/1999	ALBRITTON
6,024,341	02/2000	GERTZ
6,092,959	07/2000	LEONHARDT ET AL.
6,098,767	08/2000	UNRATH

<u>U.S. PATENT NO.</u>	<u>ISSUE DATE</u>	<u>PATENTEE</u>
6,116,805	09/2000	GERTZ
6,183,042 B1	02/2001	UNRATH
6,186,565 B1	02/2001	UNRATH
6,203,079 B1	03/2001	BREED
6,244,637 B1	06/2001	LEONHARDT ET AL.
6,581,992 B1	06/2003	GERTZ

#### FOREIGN PATENT DOCUMENTS

<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>COUNTRY</u>
GB 2 286 160 A	08/1995	Great Britain
WO 94/05527 A1	03/1994	PCT

#### OTHER ART

Letter from Lancer Industries Ltd. to M.S. Dreznes, (June 8, 1992).

Copy of New Zealand Provisional Specification, Kenron Trading Limited, Winstone, R., "Improvements In and Relating To Impact Absorption Means," Filed November 11, 1991, 7 pages.

Copy of Media Release and Copies of Photographs of Fold-over TMA, Lancer Industries Limited, "Crashbag to Save Lives on Motorways," December 18, 1991, 7 pages.

Trinity Industries, Inc., Blueprint-MPS 350, Version 1.2, dated 02/2001, 1 page.

Trinity Industries, Inc., "Products - Taking Highway Safety Into the 21st Century!™: MPS-350™", obtained at the internet address  
<http://www.highwayguardrail.com/Products%20-%20MPS.html>, on 7/22/2003, 2 pages.

Trinity Industries, Inc., "MPS 350 Mobile Protection System Product Manual – Installation, Operation, Maintenance: An NCHRP Report 350 –TL3 Truck Mounted Attenuator", A Trinity Industries publication, dated April 5, 2001, pp. 1-27, obtained from the Internet at  
<http://www.highwayguardrail.com/Products%20-%20MPS.html>, on 07/22/2003, 2 pages.

Copies of Photographs 1-4 of truck mounted attenuator used in the U.S. before September 28, 2001, 4 pages.

International Search Report in International Application No. PCT/US02/27863, dated November 6, 2003, 5 pages.

Copies of Photographs of fold-over TMA from Idaho, (June, 2003)(depicted Truck/TMA in public use before 9/28/00), 10 pages.

Copies of brochure, "The Dumpster TMA (with the 2001 MD Cartridge)," 3 pages, date unknown.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

This application is a continuation application of U.S. Serial No. 10/002,833, filed November 1, 2001 and is relied upon for an earlier filing dated under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) only copies of documents not previously cited and submitted to the Patent and Trademark Office in the prior application Serial No. 10/002,833 are enclosed for the convenience of the Examiner.

Applicant(s) respectfully request that the listed documents be made of record in  
the present case.

Respectfully submitted,



\_\_\_\_\_  
Andrew D. Stover  
Registration No. 38,629  
Attorney for Applicant(s)

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FORM PTO-1449		SERIAL NO. 10/628,319	CASE NO. 33-944
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		FILING DATE July 28, 2003	GROUP ART UNIT 3611
(use several sheets if necessary)		APPLICANT(S): Leonhardt, et al.	

**REFERENCE DESIGNATION**                    **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1 3,506,295	04/1970	YANCEY		
	A2 3,674,115	07/1972	YOUNG ET AL.		
	A3 3,757,562	09/1973	GOLDBERG ET AL.		
	A4 3,930,665	01/1976	IKAWA		
	A5 3,944,187	03/1976	WALKER		
	A6 3,972,390	08/1976	MELTON ET AL.		
	A7 4,008,915	02/1977	WALKER		
	A8 4,190,275	02/1980	MILETI		
	A9 4,204,659	05/1980	PHILLIPS ET AL.		
	A10 4,221,413	09/1980	BONNETAIN		
	A11 4,227,593	10/1980	BRICMONT ET AL.		
	A12 4,352,484	10/1982	GERTZ ET AL.		
	A13 4,407,484	10/1983	MEINZER		
	A14 4,413,856	11/1983	MCMAHAN ET AL.		
	A15 4,452,431	06/1984	STEPHENS ET AL.		
	A16 4,635,981	01/1987	FRITON		
	A17 4,655,434	04/1987	BRONSTAD		
	A18 4,658,941	04/1987	GOTZWALD ET AL.		
	A19 4,674,911	06/1987	GERTZ		
	A20 4,711,481	12/1987	KRAGE ET AL.		
	A21 4,770,420	09/1988	GOTZWALD ET AL.		
	A22 5,052,732	10/1991	OPLET ET AL.		
	A23 5,123,775	06/1992	BRYANT		
	A24 5,199,755	04/1993	GERTZ		
	A25 5,248,129	09/1993	GERTZ		
	A26 5,403,112	04/1995	CARNEY, III		
	A27 5,403,113	04/1995	GERTZ ET AL.		
	A28 5,551,796	09/1996	ANDERSON, JR. ET AL.		
	A29 5,577,861	11/1996	OBERTH ET AL.		
	A30 5,642,792	07/1997	JUNE		
	A31 5,697,657	12/1997	UNRATH, SR.		
	A32 5,797,592	08/1998	MACHADO		
	A33 5,823,584	10/1998	CARNEY, III		
	A34 5,851,005	12/1998	MULLER ET AL.		
	A35 5,868,521	02/1999	OBERTH ET AL.		
	A36 5,947,452	09/1999	ALBRITTON		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;  
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	APR 08 2004 PATENT & TRADEMARK OFFICE	SERIAL NO. 10/628,319	CASE NO. 33-944
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	A37 6,024,341	02/2000	GERTZ		
	A38 6,092,959	07/2000	LEONHARDT ET AL.		
	A39 6,098,767	08/2000	UNRATH		
	A40 6,116,805	09/2000	GERTZ		
	A41 6,183,042 B1	02/2001	UNRATH		
	A42 6,186,565 B1	02/2001	UNRATH		
	A43 6,203,079 B1	03/2001	BREED		
	A44 6,244,637 B1	06/2001	LEONHARDT ET AL.		
	A45 6,581,992 B1	06/2003	GERTZ		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
✓	A46 GB 2 286 160 A	08/1995	Great Britain		
✓	A47 WO 94/05527 A1	03/1994	PCT		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)	
✓	A48	Letter from Lancer Industries Ltd. to M.S. Dreznes, (June 8, 1992).
✓	A49	Copy of New Zealand Provisional Specification, Kenron Trading Limited, Winstone, R., "Improvements In and Relating To Impact Absorption Means," Filed November 11, 1991, 7 pages.
✓	A50	Copy of Media Release and Copies of Photographs of Fold-over TMA, Lancer Industries Limited, "Crashbag to Save Lives on Motorways," December 18, 1991, 7 pages.
✓	A51	Trinity Industries, Inc., Blueprint-MPS 350, Version 1.2, dated 02/2001, 1 page.
✓	A52	Trinity Industries, Inc., "Products - Taking Highway Safety Into the 21st Century!™: MPS-350™", obtained at the internet address < <a href="http://www.highwayguardrail.com/Products%20-%20MPS.html">http://www.highwayguardrail.com/Products%20-%20MPS.html</a> >, on 7/22/2003, 2 pages.
✓	A53	Trinity Industries, Inc., "MPS 350 Mobile Protection System Product Manual – Installation, Operation, Maintenance: An NCHRP Report 350 –TL3 Truck Mounted Attenuator", A Trinity Industries publication, dated April 5, 2001, pp. 1-27, obtained from the Internet at < <a href="http://www.highwayguardrail.com/Products%20-%20MPS.html">http://www.highwayguardrail.com/Products%20-%20MPS.html</a> >, on 07/22/2003, 2 pages.
✓	A54	Copies of Photographs 1-4 of truck mounted attenuator used in the U.S. before September 28, 2001, 4 pages.
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FORM PTO-1449  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (use several sheets if necessary)	APR 08 2004 <del>TRADEMARK OFFICE</del>	SERIAL NO. 10/628,319	CASE NO. 33-944
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EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)	
✓	A57	Copies of brochure, "The Dumpster TMA (with the 2001 MD Cartridge)," 3 pages, date unknown.

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